UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

OCT 04 2004

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Randy A. Norton,
Logistics Manager
3M – St. Paul Tape Plant
3M Tape Plant Manufacturing Division
Building 24-2E-03
751 Mendota Avenue
St. Paul, Minnesota 55144-1000

Re: Notice of Violation
Compliance Evaluation Inspection
EPA I.D. No.: MND 000 824 029

Dear Mr. Norton:

On October 22, 2003, representatives of the United States Environmental Protection Agency (U.S. EPA) and the Ramsey County Department of Public Health inspected the 3M – St. Paul Tape Plant located at 900 Bush Avenue in St. Paul, Minnesota (hereinafter, "3M ," "the facility" or "you"). The purpose of the inspection was to evaluate the facility's compliance with the Standards Applicable to Generators of Hazardous Waste (Minn R. Parts 7045.0205 to 7045.0350, [40 CFR Part 262]), the Land Disposal Restrictions (Minn R. Parts 7045.1300 to 7045.1380, [40 CFR Part 268]), and the Standards for the Management of Used Oil set forth at 40 CFR Part 279. Enclosed please find a copy of our inspection report.

Based on the October 22, 2003, inspection (hereinafter, "the inspection"), U.S. EPA has determined that 3M is engaged in storage of hazardous waste without a permit, and is in violation of certain requirements of the Minnesota Rules (Minn. R.) and United States Code of Federal Regulations (CFR). To be eligible for the exemption from the requirement to obtain a hazardous waste storage permit, 3M must be in compliance with the conditions of Minn. R. part 7045.0292, subparts 1 and 8 [40 CFR §§ 262.34(a), (c)]. We find that 3M is in noncompliance with the following conditions for a storage permit exemption, and in violation of the following requirements:

1. In order to avoid the need for a hazardous waste storage permit, a large quantity generator must manage its containers of hazardous waste in such a way that all containers storing hazardous waste are closed at all times, except when waste is being added to or removed from the container, in accordance with the requirements of Minn. R. 7045.0292, subpart 1.B and Minn. R. 7045.0526, subpart 4 [40 CFR §§ 262.34(a)(1)(i) and 265.173(a)]. In addition, in order to avoid the need for a hazardous waste storage permit, a large quantity generator must manage its containers of hazardous waste in such a way that all containers storing hazardous waste are properly labeled, in accordance with the requirements of Minn. R. 7045.0292, subpart 1.B and Minn. R. 7045.0526, subpart 4a [40 CFR §§ 262.34(a)(1)(i) and 265.173(a)]. On the date of the inspection, approximately 10 hazardous waste containers were observed to be open. Also, on the date of the inspection, at least two hazardous waste containers were not labeled. 3M therefore failed to comply with the above-mentioned conditions for a hazardous waste storage permit exemption, and violated the hazardous waste storage facility training requirements.

2. A large quantity generator who accumulates hazardous waste on-site for 90 days or fewer and who does not meet the conditions for a permit exemption of Minn. R. 7045.0292, subpart 1 [40 CFR § 262.34(a)] is an operator of a hazardous waste storage facility, and is required to apply for and obtain a permit for the treatment, storage or disposal of hazardous waste or have interim status under Section 3005 of RCRA, 42 U.S.C. § 6925. See Minn. R. parts 7045.2092, subpart 1, Items A - G; 7001.0030; 7001.0520, subpart 1, Item A; 7001.0530; 7001.0550 [40 CFR §§ 270.1(c) and 270.10(a), (d)]. Upon failing to comply with the conditions for a permit exemption identified above, 3M became an operator of a hazardous waste storage facility, and was required to either obtain a hazardous waste storage permit or have interim status. 3M did not have interim status, and did not obtain a hazardous wastes storage permit. Therefore, 3M stored hazardous waste at its facility without a permit or interim status, in violation of Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a)&(e), and the regulations at Minn. R. 7045.0292, Subpart 1, [40 C.F.R. § 262.34(a)], and Minn. R. Chapter 7001.0030, 7001.0520, subpart 1, item A; 7001.0530, and 7001.0550 [40 CFR §§ 270.1(c) and 270.10(a), (d)].

At this time, U.S. EPA is not requiring 3M to apply for a hazardous waste storage permit, so long as it immediately establishes compliance with the conditions for an exemption outlined above. Under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation and requiring compliance immediately or within a specified time period. Although this letter is not such an order, you are hereby requested to submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above conditions and requirements.

You should submit your response to Michael Valentino, U.S. EPA, Region 5, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604. If you have any questions regarding this letter, please contact Mr. Valentino, of my staff, at (312) 886-4582.

U.S. EPA offers various compliance assistance tools to small businesses in accordance with the Small Business Regulatory Enforcement Fairness Act (SBREFA). 3M may be a small business as defined by SBREFA. Therefore, we are providing you with an information sheet entitled, "U.S. EPA Small Business Resources."

Sincerely,

Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

Enclosures (2)

cc: Robert Dullinger, MPCA, (w/enc.)
Wendy Reno, 3M, (w/enc.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, IL 60604

COMPLIANCE EVALUATION INSPECTION REPORT

FACILITY NAME:	3M – St. Paul Tape Plant
U.S. EPA ID No.:	MND 000 824 029
FACILITY ADDRESS:	900 Bush Avenue St. Paul, MN 55106
RCRA DESIGNATION:	LQG
PRIORITY, SECTOR AND/OR PROCESS:	Coated and laminated paper
NAICS CODE:	2672 (SIC Code)
DATE OF INSPECTION:	October 22, 2003
FACILITY REPRESENTATIVES:	William Boyd, Plant Engineering Manager Randy Norton, Logistics Manager John Klevan, Senior Safety Engineer Jeff McComas, Senior Environmental Engineer Mark Larison, Production Supervisor
U.S. EPA INSPECTOR:	Michael Valentino, Environmental Engineer
OTHER REGULATORY PERSONNEL:	Greg LeMere, Ramsey County Department of Public Health Aaron Chavez, Ramsey County Department of Public Health
PREPARED BY:	Michael Valentino, Environmental Engineer
REVIEWED BY:	Lorna M. Jereza, P.E., Chief Compliance Section 1 WPTD, ECAB

Purpose of Inspection:

The purpose of the inspection was to conduct a Compliance Evaluation Inspection (CEI) at the facility for management of its RCRA regulated waste.

Facility Description:

The 3M St. Paul Tape Plant facility located at 900 Bush Avenue in St. Paul, Minnesota (hereinafter, "the facility") manufactures laminated tapes used in the consumer, industrial and medical sectors. Significant downsizing has occurred at this facility since 2002. Based upon information provided to the U.S. EPA subsequent to the CEI[1], 3M has decreased manufacturing at the facility by 75% between 2002 and 2004. Employment decreased at the facility from 68 salaried and 229 hourly in January 2002, to 15 salaried and 48 hourly in January 2004.[2]

At the time of the inspection, only operations in Bldg # 20 and Bldg # 24 remained. The majority of the manufacturing operations were moved to 3M plants in Detroit, Michigan as well as Canada and Brazil. Operations no longer at this location include abrasives (including sandpaper) manufacturing and resin mixing operations. The tape laminating and foaming operations remain.

In Bldg # 20, 5F, urethane foam ingredients are prepared and mixed, and then sent to the 4F Maker (located one floor below in Bldg # 20). The 4F Maker produces large urethane and vinyl foam rolls, which are later processed at other 3M plants. Bldg # 24 houses the laminator, which produces foam tapes for the flexographic printing industry.

At the time of the inspection, 3M employed 68 people at this location, all within the Tape Plant. 3M did not employ any in the abrasives manufacturing area of the facility. At the time of the inspection, the facility was operating three shifts per day, Mon-Fri (24/5 operating schedule).

Facility representatives stated that solid and hazardous waste streams generated onsite include resins from the TDI (Toluene-2,4-Diisocyanate) foamer, foam dusts from grinders (which are landfilled as non-hazardous), oily rags, aerosol cans, fluorescent light tubes, mercury switches and batteries. Waste streams generated from specific processes include TDI from the 5F Area and waste corrosive liquids (D002) from the 4F Maker.

3M operates a 90-Day Area on 5F, Bldg # 20, and another (where drums are placed on pallets and await offsite transport) on the first floor of Bldg # 20. There are a number of satellite accumulation area (SAA) containers throughout the manufacturing areas.

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[1] *See* 3M's April 30, 2004 response to U.S. EPA's April 6, 2004 Request for Information, issued by U.S. EPA pursuant to §3007 of RCRA.

[2] *Ibid*, pg 1 and App M.

Facility Inspection and Observations:

Greg LeMere and Aaron Chavez, RCRA inspectors with the Ramsey County Department of Public Health, and I arrived at the facility at approximately 1:00 pm. We came to a guard station on the ground level of Bldg # 24 within the 3M – St. Paul complex. We displayed our enforcement credentials/identification to the guard on duty, announced the purpose of our visit and asked to meet with the facility's environmental manager. The guard placed several phone calls. After a 10-15 minute wait, Inspectors LeMere and Chavez and I were met by several 3M representatives, whereupon I displayed my enforcement credentials and announced that we were there to conduct an inspection of the facility's hazardous waste management practices.

We were asked to join the facility representatives in a conference room on the ground level floor of Bldg # 24. There, Inspectors LeMere and Chavez and I met with William Boyd, John Klevan, Jeff McComas, Randy Norton and Mark Larison. I explained the reason for our visit and my expectations for how the inspection and records review would be conducted, namely that we would begin with the facility walk-through, observing areas of waste generation and accumulation as we moved through the facility, and afterward the Ramsey County inspectors and I would review 3M's RCRA-related files. Before the physical walk-through I asked the 3M personnel to provide a brief overview of facility operations and waste generation locations and waste streams.

Following about 15 minutes of discussion, we began the facility walk-through. During the course of the inspection I took seventeen (17) photographs, which are compiled in a photograph log attached to this report. (*See* Attachment No. 1). 3M did not make a confidentiality claim on any of the photographs, and at least one facility representative was in proximity to me as I took each photograph. The Photo Log (Attachment No. 1) and accompanying descriptions of each photograph depict a true and accurate representation of hazardous waste management practices at the time of the inspection, with the sole exception with respect to Photo # 7. (*See fn.* 4 infra.)

We proceeded first to Bldg # 20, Floor 4F, the Knife Set-up Room. We first observed a SAA container (approx 5-8 gallon capacity) which contained used rags. It had a spring-loaded lid, activated by a floor level bar. The container did not include a HAZARDOUS WASTE label, and the lid was not closed entirely, leaving a gap of less than 1" with the top of the container. (Photo # 1).

From the Knife Set-up Room we moved to the Urethane and Vinyl Foamer (Machine 4-F) located on the same floor. Here we observed a 55-gallon drum with a 4" flexible hose inserted into the top of the drum. The hose dropped TDI resins into the awaiting plastic-lined drum. The drum was affixed with a HAZARDOUS WASTE label; it was dated 10/22/03 (although as a SAA container, it was not required to be dated). (Photo # 2).

Less than 20 feet away from Machine 4-F we observed another 55-gallon SAA drum. It was affixed with a HAZARDOUS WASTE label and found to contain N,N-Diethylethanolamine, polyethylene glycol and glycerine. It was equipped with a spring-loaded lid attachment which was not latched down completely. The lid was closed by a 3M representative when brought to their attention. (Photo # 3).

We proceeded to Floor 5F in the same building. On 5F, in the TDI Room, we first observed a plastic-lined 55-gallon metal drum. It was affixed with a HAZARDOUS WASTE label, and dated 10/13/03. The drum contained TDI. At the time of the inspection the bung was open and the drum was not equipped with a locking ring. The lid was observed to have a hardened residue upon it. Situated next to the drum, on the ground, was a small plastic pail. It was open and unlabeled. The small container was used to collect product drippings.[3] (Photo # 4).

We observed another 55-gallon drum in 5F's TDI Room. It was affixed with a HAZARDOUS WASTE label, and dated 9/29/03. The drum was plastic-lined. Its contents were marked as TDI. A solid residue was observed on the lid of the drum. (Photos # 5 and # 6).

We proceeded to another plastic-lined 55-gallon drum in the TDI Room. This drum had two bungs, one of which was closed, another (approx 3" diameter) had a rubber hose inserted in it. When the drum was first observed by this inspector it was open, the lid resting such that a gap of roughly 4" existed. Inspector LeMere walked over to the drum, observed the lid which was askew, and moved the lid into the closed position.[4] It was affixed with a HAZARDOUS WASTE label, and dated 9/29/03. Its contents were TDI. (Photo # 7.)

Nearby in the TDI Room we observed a pallet upon which rested four (4) 55-gallon steel drums. Each drum was affixed with a HAZARDOUS WASTE label, and dated 10/17/03. Each drum's contents were TDI. One drum was observed to have a hose (roughly 1" - 2" diameter) inserted in it, resting beneath the lid in such a way as to render the drum opened.[5] (Photos # 8 and # 9.)

Also in the TDI Room, we observed a blue 5-gallon plastic-lined container situated on the floor. The container was open and unlabeled. It was located adjacent to the TDI pump. Its contents were TDI in an ammonia-alcohol solution. 3M stated, subsequent to the inspection, that the open container held a flammable liquid used for neutralizing un-reacted TDI.[6] (Photo # 10.)

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[3] *Ibid*, pg 3.

[4] Inspector LeMere, Ramsey County Dept. of Public Health, moved the lid into the closed position after the author first observed the drum and prior to the author taking the photograph (#7 in the Photo Log) of the drum at 2:19 pm on the day of the inspection. Therefore, Photo #7 shows a drum, whose lid appears to be resting properly on the drum, with no discernable gaps. The photograph does not represent the condition of the drum at the point of initial observation by the author. At the time of observation and up to and following the time the photograph was taken, no 3M personnel added or removed waste from the drum or inserted or removed the 3" hose which the photograph shows inserted into the larger of the lid's two bungs.

[5] It is the opinion of the author that the bung diameter was sufficient to have allowed the flexible hose to be inserted through it, rather than to have the hose placed beneath the lid, between the lid and the rim of the drum, which, in effect, left the drum open and susceptible to its contents being spilled.

[6] *See* 3M's April 30, 2004 letter, pg 4.

We next observed another small black container (also 5-gallon capacity) left open and unlabeled, and on the floor of the TDI Room. At the time of the inspection the contents were unknown. The material in the container was hardened and dry, straw-colored, and appeared to be of a waxy substance. The container was approximately 1/4 to 1/3 full. Subsequent to the inspection, 3M stated that the container held a prepolymer resin that should have been labeled according to the same waste stream profile as TDI-bearing wastes.[7] (Photo # 11.)

Situated in the center of the TDI Room, on top of a wrought iron grate bolted into the base of a processing machine, we observed an open 5-gallon container. The container was affixed with a HAZARDOUS WASTE label, but the label did not identify the contents therein. Initially, I was told it contained either TDI or diester. I observed and photographed a hardened residue on the outside of the container. (Photos # 12 and # 13.) Although the contents of the container were not stated on the label, the label did identify the waste code as MN01.[8] (*See* Photo # 13, bottom center of photo, on line identified as EPA WASTE CODE, just above the facility U.S. EPA ID no.) At the time of the inspection, 3M's Chris Cox, who is employed in the TDI Room, informed me that the contents were diester. In its April 30, 2004 response to U.S. EPA's April 6, 2004 Request for Information, 3M stated that the container's contents were diester, "a non-regulated raw material."[9]

We observed a spill of a hardened material in the center of the TDI Room. The spill encompassed approximately one-square foot in area. There was a spattering of the same material in several locations, each of which was several inches in diameter, in proximity to the larger spill. The material was solidified, apparently waxy and milk-colored. 3M employees informed me at the time of the CEI that the material was a urethane which contained TDI. Underlaying the spill was a cardboard-like paper. A used rag covered part of the spill. (Photo # 14.) In its April 30, 2004 letter, 3M confirmed that the material was a urethane resin which was assigned the waste system profile of 13-0055-9542-9, the same waste code assigned to TDI.[10]

We next observed a 5-gallon container which was situated inside a sheered-off 55-gallon steel drum (such that approximately the lower 1/3 of the drum remained) was in the same general area of the facility as that identified in Request No. 7 above. (*See* Photo # 15.) The smaller container was affixed with a "HAZARDOUS WASTE" label that was partially covered over with a hardened, yellow residue. The 5-gallon container was lined with a plastic liner. At the time of the inspection, the contents of the 5-gallon container were unknown. In its April 30, 2004 letter, 3M does not state the contents of the container but does identify its waste profile as being 13-0055-9542-9. The contents of the container would therefore include TDI.[11]

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[7] *Ibid*, pg 4 and App B.

[8] *See* Minn. R. 7045.0131, Subp F. "Lethality."

[9] *See* 3M's April 30, 2004 letter, pg 4, under "Item 10," first sentence.

[10] *Ibid*, pg 5 and App B.

[11] *Ibid*.

Our final point of observation during the walk-through was the 90-Day Area located on the 1st floor of Bldg # 20. At the time of the inspection, the room contained 12 55-gallon drums of TDI situated on three (3) pallets, each of which held four (4) drums. The drums were dated as follows: one (1) drum was dated 8/15/03; one (1) drum was dated 8/19/03; four (4) drums were dated 9/29/03; four (4) drums were dated 10/13/03; and two (2) drums were dated 10/14/03. The room also contained one (1) 55-gallon drum of paint chips (D008).[12] Three (3) 55-gallon drums were situated on a pallet, each of which held spent solvents/flammable materials. A fourth container, a 5-gallon pail, was also observed on this pallet. It contained lead and silver, was assigned waste codes D001 and D008, and was dated 10/8/03. Following is the information for the 55-gallon drums on the pallet: one (1) drum contained solvents, with assigned waste codes F002, F003, F005, D003, D028, D035), and was dated 8/20/03; one (1) drum contained solvents with waste codes F002, F003, F005, D003, D028, and was dated 9/4/03; and one (1) drum contained 1,2-dichloroethane, ethyl alcohol and N-butyl alcohol (waste codes F002, F003, F005, D001, D003, D019, D028).[13] Another 55-gallon drum was situated by itself on a pallet. It contained light petroleum distillates and No. 2 fuel oil. This drum was assigned characteristic code D001, and was dated 10/22/03. All drums in the 90-Day Area were affixed with HAZARDOUS WASTE labels, and were observed to be closed, in good condition, with no evidence of spillage, and appeared to be well-managed. The room was underlain by a concrete floor that appeared to have an epoxy coating. The room was also equipped with overhead sprinklers. Spacing was adequate, sufficient to move forklift trucks and other machinery and personnel, with no obstructions present. The room was also equipped with a wall-mounted phone and portable fire extinguishers. It appeared to be properly managed.

Following completion of the facility tour, Inspectors LeMere and Chavez and I returned with the 3M representatives to the conference room where we met earlier. There we conducted a file review, which consisted of three years (2001-2003) of hazardous waste manifests, personnel training records, waste profiles, weekly container inspection logs and a review of the facility SPCC[14] Plan and contingency plan (parts of which were computerized and linked to the SPCC Plan).

Following completion of the records review, a short exit interview was held with the facility representatives. We (Inspectors LeMere and Chavez and myself) were most concerned with the prevalence of opened containers on 4F and 5F of Bldg # 20.

Attachments:

1. Photo log
2. Inspection checklist

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[12]The author's notes are silent with respect to the date on this drum.

[13]The author's notes are silent with respect to the date on this drum.

[14]Spill Prevention, Control and Countermeasures Plan (in conjunction with 40 CFR §112).

ATTACHMENT NO. 1
INSPECTION PHOTOGRAPH LOG

Photo No: 1 **Date:** 10/22/03 1:42 pm **Site:** 3M (Bush Avenue)
Description: SAA container in center (used rags). No HW label. Lid not entirely closed. Clean rags container to left of photo. Bldg 20, Floor 4F, Knife Set-up Room.

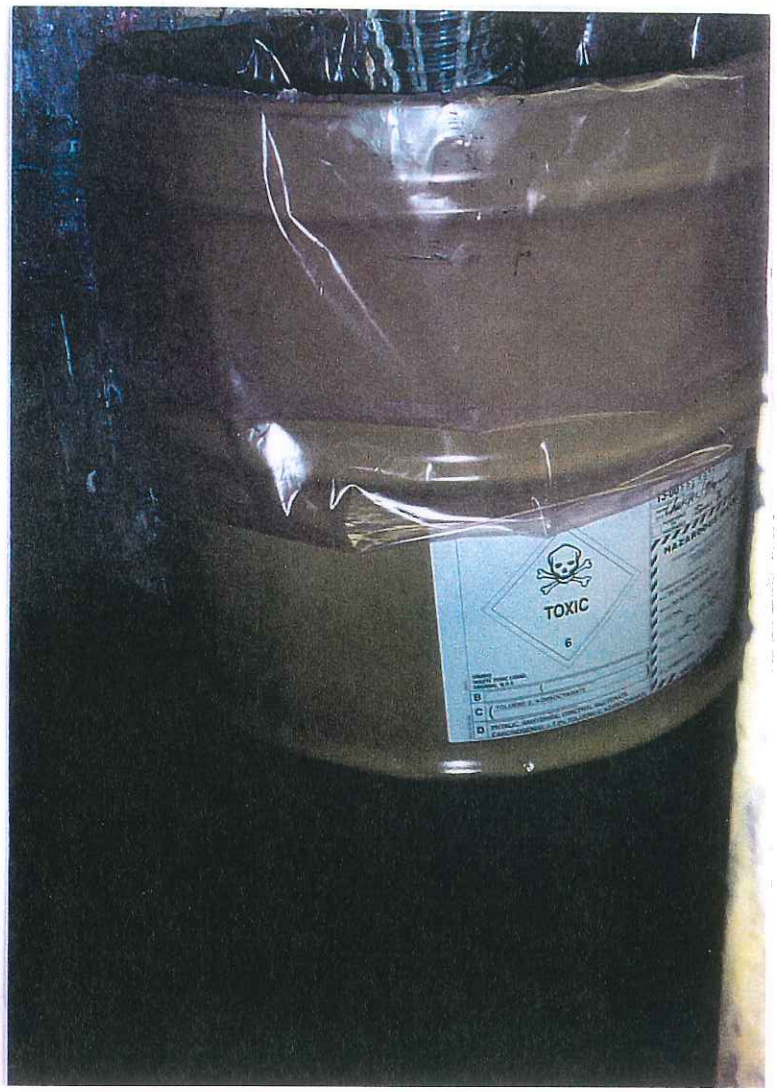

Photo No: 2
Date: 10/22/03 1:55 pm
Site: 3M (Bush Avenue)
Description: 55-gallon SAA drum serving Machine 4-F (Urethane & Vinyl Foamer). Drum is open, with 4" flexible hose inserted into drum. Contents: TDI. Drum is dated 10/22/03. Bldg 20, Floor 4F.

Photo No: 3
Date: 10/22/03 2:03 pm
Site: 3M (Bush Avenue)
Description: 55-gallon SAA drum containing N,N-Diethylethanolamine, polyethylene glycol, glycerine. Lid was not latched down completely. Bldg 20, Floor 4F.

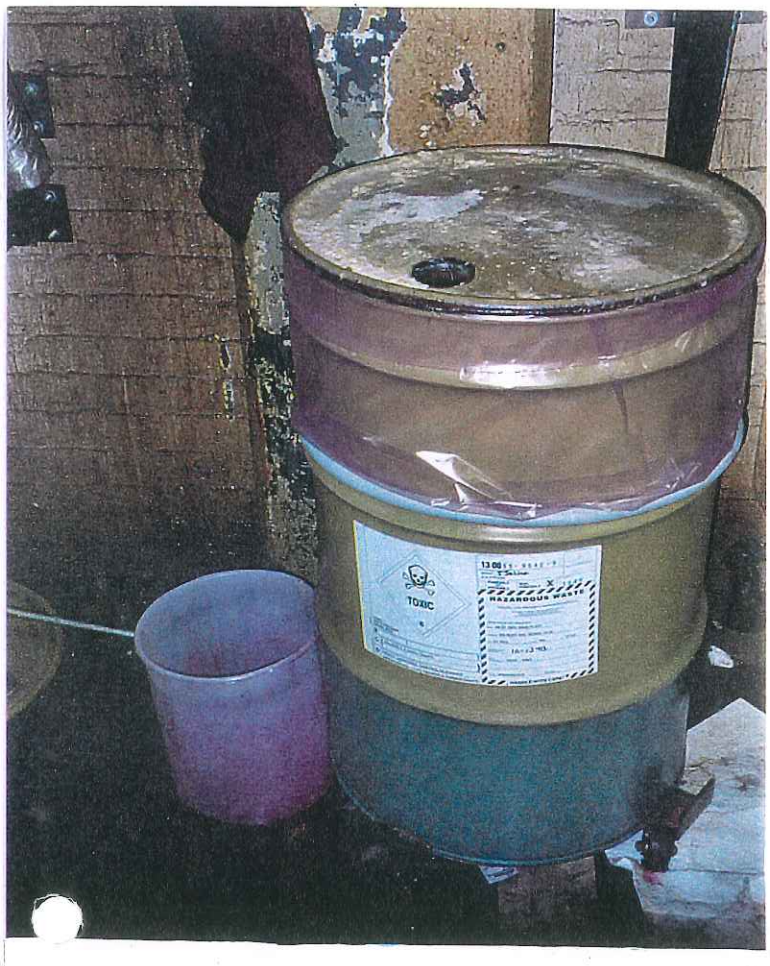

Photo No: 4
Date: 10/22/03 2:12 pm
Site: 3M (Bush Avenue)
Description: 55-gallon SAA drum. Open bung. Contents: TDI. Dated 10/13/03. Residue on top of lid. Bldg 20, Floor 5F, TDI Room.

Photo No: 5 **Date:** 10/22/03 2:19 pm **Site:** 3M (Bush Avenue)
Description: 55-gallon SAA drum. Contents: TDI. Dated 9/29/03. Solidified material accumulated on lid. Bldg 20, Floor 5F, TDI Room.

Photo No: 6
Date: 10/22/03 2:19 pm
Site: 3M (Bush Avenue)
Description: 55-gallon SAA drum. Contents: TDI. Dated 9/29/03. Solidified material accumulated on lid. Bldg 20, Floor 5F, TDI Room.

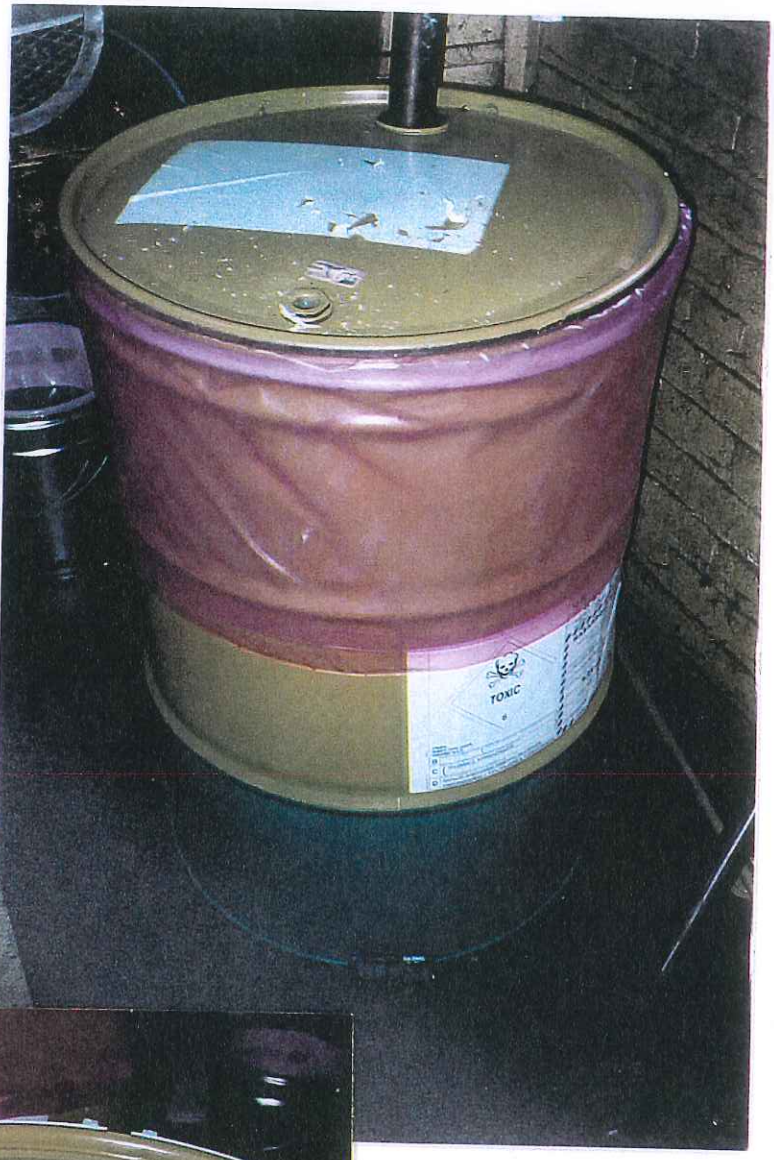

Photo No: 7
Date: 10/22/03 2:19 pm
Site: 3M (Bush Avenue)
Description: 55-gallon SAA drum. Contents: TDI. Dated 9/29/03. Pipe inserted into larger bung. Bldg 20, Floor 5F, TDI Room.

Photo No: 8 **Date:** 10/22/03 2:22 pm **Site:** 3M (Bush Avenue)
Description: 4 55-gallon SAA drums. Contents: TDI. Dated 10/17/03. Drum to rear, left is open w/ flexible hose inserted. Bldg 20, Floor 5F, TDI Room.

Photo No: 9 **Date:** 10/22/03 2:22 pm **Site:** 3M (Bush Avenue)
Description: 4 55-gallon SAA drums. Contents: TDI. Dated 10/17/03. Drum in center of photo is open w/ flexible hose inserted. Bldg 20, Floor 5F, TDI Room.

Photo No: 10 **Date:** 10/22/03 2:24 pm **Site:** 3M (Bush Avenue)
Description: 5-gallon SAA container. Contents: TDI/ammonia-alcohol solution. Container is open; unlabeled. Bldg 20, Floor 5F, TDI Room.

Photo No: 11
Date: 10/22/03 2:27 pm
Site: 3M (Bush Avenue)
Description: 5-gallon SAA container. Contents unknown. Container open; unlabeled. Bldg 20, Floor 5F, TDI Room.

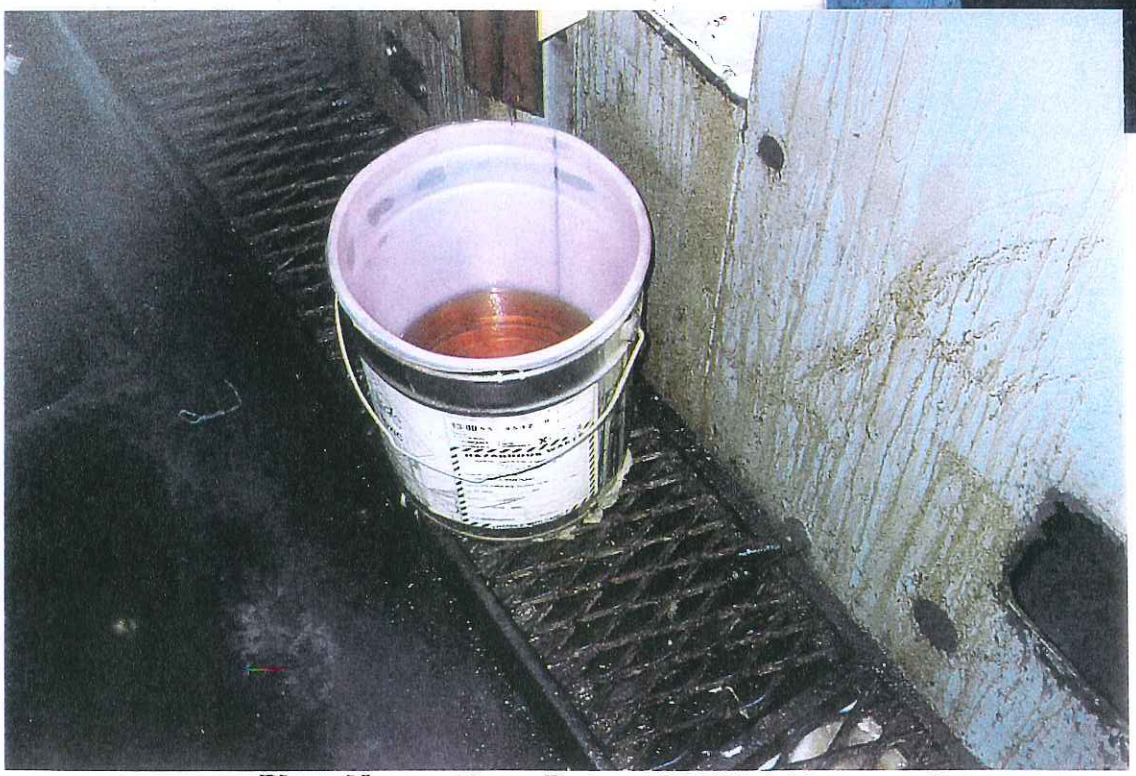

Photo No: 12 **Date:** 10/22/03 2:29 pm **Site:** 3M (Bush Avenue)
Description: 5-gallon SAA container. Contents: TDI or diester. Container is open; unlabeled. Hardened residue on outside of container. Bldg 20, Floor 5F, TDI Room.

Photo No: 13
Date: 10/22/03 2:29 pm
Site: 3M (Bush Avenue)
Description: 5-gallon SAA container. Contents: TDI or diester. Container is open; unlabeled. Hardened residue on outside of container. Bldg 20, Floor 5F, TDI Room.

Photo No: 14 **Date:** 10/22/03 2:42 pm **Site:** 3M (Bush Avenue)
Description: Spill on floor. Urethane containing TDI. Bldg 20, Floor 5F, TDI Room.

Photo No: 15 **Date:** 10/22/03 2:43 pm **Site:** 3M (Bush Avenue)
Description: 5-gallon SAA container. Contents: unknown. Container is open. Hardened residue on outside of container. Bldg 20, Floor 5F, TDI Room.

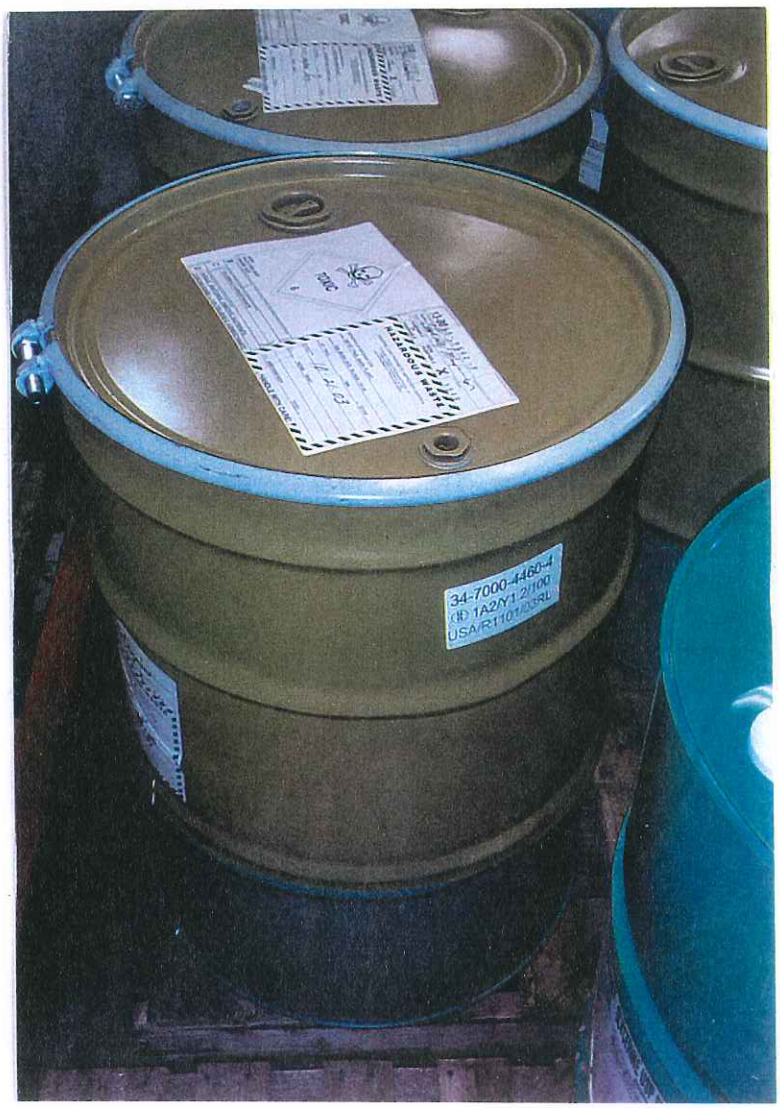

Photo No: 16
Date: 10/22/03 2:45 pm
Site: 3M (Bush Avenue)
Description: 55-gallon TDI drums. Labeled and closed. Awaiting shipment.
Bldg 20, 1st Floor, 90-Day Area.

Photo No: 17 **Date:** 10/22/03 2:59 pm **Site:** 3M (Bush Avenue)
Description: 55-gallon TDI drums. Labeled and closed. Awaiting shipment. Bldg 20, 1st Floor, 90-Day Area.

ATTACHMENT NO. 2
LOG CHECKLIST

MINNESOTA POLLUTION CONTROL AGENCY
MINNESOTA LARGE QUANTITY GENERATOR INSPECTION CHECKLIST

I. GENERAL INSPECTION INFORMATION

Site Name: 3M - ST. PAUL	**EPA ID Number:** MND 000 824 029
Address: 900 BUSH AVE.	**Waste Activity:** LQG
City: ST. PAUL	**Zip/9 Digit:** 55106
County: Ramsey	**District:**
	Waste generated per month
Current Number of Employees: ~68	**Years in Business or Date Company Started:**
Date of last MPCA Hazardous Waste Inspection: _____	
Inspection Date: 10-22-03	**Time: From** **to**

LEAD INSPECTOR: Michael Valentino EPA Phone #

Other People present: (name, title, organization)	Phone #
Greg Lathene + Aaron Chavez Hennepin County DPH	
Randy Norton, 3M	
John Klaren, "	
Jeff McLoman, "	
Mark Larrson, "	
William Boyd, "	

Company Products or Services:

II. LICENSING/IDENTIFICATION/PERMITS

IDENTIFICATION – WASTE TABLE

Waste Name/Code	Quantity Generated in (last year)	Changes

G1: Licensing / EPA / Permits

Rule	Requirement	Compliance Status	Remarks
7045.0221	Has generator obtained a generator identification number?	✓	
7045.1020 A	Metro Area – Does the generator have an approved license?	✓	
7045.0225 1	Outstate – Does the site have a current hazardous waste generator license?		
7045.0230 1, B	Outstate – Did the company include all hazardous waste streams on its license application?		
7045.0225 2	Is the generators license displayed in a public area at the licensed site?	✓	
7001.0520 1, A	Does the generator operate as a TSD without a permit?		

G1: General Management for Generators

Rule	Requirement	Compliance Status	Remarks
7045.02081, B	Is hazardous waste disposed of at a permitted TSD? (VSQGs can also deliver to a VSQG collection program site)	✓	
7045.02945	Are the required records (training, analytical results, inspection reports, license renewal app, exception reports, manifests) located at the licensed site and available for inspection?	✓	
7045.06265	Are weekly inspections of hazardous waste containers and their storage areas conducted AND documented?	✓	

✓ = compliance w/ regulation

7045.0568 1	Have emergency response arrangements been made with local authorities and outside providers? (fire, police, local hospital, emergency responders)	✓	
7045.0568 3	If the company was unable to make arrangements with local authorities, have they documented the attempts?		

MINNESOTA POLLUTION CONTROL AGENCY
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G1: General Management for Generators

Rule	Requirement	Compliance Status	Remarks
7045.0208 1, E	Does the company comply with the POTW requirements for sewered hazardous waste?		
7045.0655 3, A	If there is an elementary neutralization unit, a pretreatment unit and/or wastewater treatment unit, does the owner or operator conduct timely inspections of the unit(s) for malfunction deterioration, operator error and discharges.		
7045.0655 3, B	If there is an elementary neutralization unit, a pretreatment unit and/or wastewater treatment unit, does the company follow a written inspection schedule for inspection of all monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment.		
7045.0655 3, E	If there is an elementary neutralization unit, a pretreatment unit and/or wastewater treatment unit, are all applicable inspection (and repair) records (logs) kept for at least 3 years and available on-site?		

G1: Manifests

Rule	Requirement	Compliance Status	Remarks
7045.0261	Are shipments of hazardous waste made without using a manifest? (exceptions for VSQGs)	✓	manifests are filled out; kept onsite
7045.0261 7	Do manifests contain ALL of the following?: Manifest document number, generator data, transporter data, facility data, waste data, required signatures & dates, and a 24 hour emergency number. (document problem manifests in remarks and Description of Violation)	✓	
7045.0294 1	Are signed facility copies of manifests available for review for 3 years from the date material was accepted by the initial transporter?	✓	
7045.0265 1, D	Are two-signature (generator) copies of manifests set to MPCA within 5 days of shipment date?	✓	
7045.0265 4, A	Does the generator ensure that out-of-state facility copies get to MPCA within 40 days of acceptance by the facility?	✓	

G1: Manifests

Rule	Requirement	Compliance Status	Remarks
7045.0298	If applicable, has the generator submitted to the MPCA an exception report for manifest copies not received back from the TSDF within 45 days of the date the waste was initially shipped?		
7045.0302 1	If company exports hazardous waste, are all applicable rules being complied with? (notification, consent, EPA acknowledgement of consent, shipping papers or manifests, etc.)	N/A	

G1: Personnel Training

Rule	Requirement	Compliance Status	Remarks
7045.0558 2	Does the company have a hazardous waste program director trained in hazardous waste management procedures?	✓	
7045.0558 1	Have employees that manage hazardous waste completed a hazardous waste training programs?	✓	
7045.0558 3	Does the training program include hazardous waste management and emergency response procedures relevant to the positions held by facility personnel?	✓	
7045.0558 4	Are new employees trained in hazardous waste management within 6 months of hire or transfer?	✓	
7045.0558 6, D	Has the company kept records that document that the initial training and annual review training has been given?	✓	
7045.0558 5	Is refresher training regarding the management of hazardous waste provided at least once per calendar year?	✓	
7045.0558 6, A	Does the company maintain training records which include a job title for each position at the facility related to hazardous waste?	✓	
7045.0558 6, B	Do the records include a job description for each position related to hazardous waste?	✓	
7045.0558 C	Is a written description of the type and amount of training (initial & continuing) documented for each position related to hazardous waste?	✓	

G1: Personnel Training

Rule	Requirement	Compliance Status	Remarks
7045.0558 7	Have training records been maintained for lifetime of facility (or 3 years after an employee leaves)?	✓	

G1: Contingency Plan

Rule	Requirement	Compliance Status	Remarks
7045.0572 2	Does the company have a contingency plan?	✓	
7045.0574 1	Does the company have an Emergency Coordinator on-site or on-call, and does s/he have authority to act (commit resources)?		
7045.0572 4, A	Does the contingency plan specify employees' emergency response actions?		
7045.0572 4, C	Does the plan describe arrangements agreed to with local emergency responders.		
7045.0572 4, D	Does the plan include up-to-date name, address and home and work phone numbers for emergency coordinators?		
7045.0572 4, E	Does the contingency plan include an up-to-date emergency equipment list?		
7045.0572 4, F	Is there an evacuation plan for employees that includes signals used to begin evacuation, and primary and alternate evacuation routes?		
7045.0572 5, A	Is a copy of the contingency plan maintained on-site?	✓	
7045.0572 5, B	Have copies of the contingency plan been submitted to local authorities and emergency response teams?		
7045.0572 6	Has the contingency plan been amended when necessary? (rule change, emergency equipment change, process change, emergency coordination change, plan failed)		

G1: Preparedness & Prevention

Rule	Requirement	Compliance Status	Remarks
7045.0566 2	Is hazardous waste managed to prevent or minimize releases?	No	• drums are open — potential for spillage • evidence of spillage (see photo log)
7045.0566 3, A	Is a suitable alarm or communication system in place to provide emergency instructions to company personnel?	✓	
7045.0566 3, B	Is emergency communication equipment available to summon outside emergency responders.	✓	
7045.0566 3, C	Is fire control equipment, decontamination equipment, and spill control equipment available?	✓	
7045.0566 3, D	Is water available in adequate volume for fire control (i.e., firehose, sprinkler system and/or foam equipment)?	✓	
7045,9566 4	Is emergency equipment tested and maintained?	✓	
7045.0566 6	Is aisle space adequate for emergency operations (like fire fighting, spill cleanup, etc.)?	✓	
7045.0275 2	If the company had a release to the environment, did the company immediately notify the agency?	N/A	
7045.0275 3	If the company has had a release, did the company recover as rapidly and as thoroughly as possible, any hazardous waste that has leaked, spilled, or otherwise escaped a container?	N/A	

G1: Waste Evaluation

Rule	Requirement	Compliance Status	Remarks
7045.0214 1	Have wastes been evaluated within 60 days of the date they were initially generated?		
7045.0294 3	Are test result records of waste analyses kept for 3 years from the last time the waste was sent to a TSDF (on- or off-site)?	✓	

G1: Land Disposal Restrictions

Rule	Requirement	Compliance Status	Remarks
268.7 (a), (2)	For waste or contaminated soil that does not meet treatment standards, has the company sent a one-time land disposal restriction notification to the receiving treatment or storage facility? Is a copy of the notification available at the generators site? Have new notifications been sent when there are changes in wastestreams and to any new receiving facilities?	✓	
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(2), item 1 3	For waste or contaminated soil that does not meet the treatment standards, do land disposal restriction notifications contain the following: a. All applicable waste codes and Manifest numbers?	✓	
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(2), item 4 1	b. Treatability group (non-wastewater or wastewater) and subcategory (when applicable)	✓	
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(2), item 1 3	c. Constituents of concern for F001-F005, F039, and hazardous underlying constituents in characteristic waste (not managed in a CWA or CWA-equivalent facility)? Note: This requirement does not apply if the waste will be treated and monitored for ALL constituents.	✓	
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(2), item 7	d. For hazardous debris being treated with alternative treatment standards: the names of the contaminants subject to treatment, and an indication that these contaminants are being treated to comply with 268.45	✓	

G1: Land Disposal Restrictions

Rule	Requirement	Compliance Status	Remarks
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(2) , item 8	e. For contaminated soil of which the company has applied alternative treatment standards has the company included the constituents subject to treatment, and the statement: This contaminated soil [does/does not] contain listed hazardous waste and [does/does not] exhibit a characteristic of hazardous waste and [is subject to/complies with the soil treatment standards as provided by 268.49 (c) of the universal treatment standard.	N/A	
268.7 (a), (3), (i)	For all hazardous waste that does meet treatment standards at the point of generation, has the company sent a one-time notification with signed certifications to the receiving TSD and kept a copy in its file?		
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(3) , item 1	For all waste that does meet treatment standards, do notifications contain the following: a. All applicable EPA waste codes and manifest number?	✓	
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(3) , item 9	b. Certification statement	✓	
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(4) , item 1 4	For waste or contaminated soil that are subject to exemptions, does the notification contain: a. All applicable EPA waste codes; b. Manifest number?	✓	

G1: Land Disposal Restrictions

Rule	Requirement	Compliance Status	Remarks
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(4), item 2 1	c. The date the waste was subject to the prohibitions?		
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(4), item 7	d. For debris being treated with alternative treatment standards, the contaminants subject to treatment, and an indication that these contaminants are being treated to comply with 268.45?	N/A	
7045.1305 A	Is dilution used as a substitute for adequate treatment?		
7045.1380 2	Does the company have justification for storage beyond one year?	N/A	
268.7 (a), (8)	Does the company retain, on site, copies of initial notifications, certifications, and other relevant documents for a period of 3 years?		
7045.1315 1, D	For companies that treat prohibited waste in tanks or containers to meet treatment standards, is a copy of the waste analysis plan for this treatment on-site, and available to inspectors?	N/A	
7045.1315 1, D, 1	For companies that treat prohibited waste in tanks or containers, is the waste analysis plan based on detailed chemical and physical analysis?	N/A	
7045.1315 1, B,1,a	For waste treated in tanks or containers and then shipped off-site, do notifications and certifications contain: a. All applicable EPA waste codes?	N/A	
7045.1315 1, B,1,b	b. Treatability group (non-wastewater or wastewater) and subcategory (when applicable)		

7045.1315 1, B,1,c	c. Manifest number?		

G1: Land Disposal Restrictions

Rule	Requirement	Compliance Status	Remarks
268.7 (a), (4) "Generator Paperwork Requirement Table" column 268.7,(a),(3) item 3	d. Constituents of concern for F001-F005, F039, and hazardous underlying constituents (not managed in a CWA or CWA-equivalent facility)? Note: This requirement does not apply if the waste will be treated and monitored for ALL constituents.		
7045.1315 1, B,1,d	e. Waste analysis data (where available)		
7045.1315 1, E	For generators that use "knowledge" to evaluate wastes, does the generator retain on-site all supporting data for waste determinations?		
268.7 (a), (9), (i)	For companies that are using alternative treatment standards for lab packs of hazardous wastes, has the company submitted on-time notification that contains EPA waste codes, manifest number and a one-time certification signed by an authorized representative?		
268.7 (a), (9), (ii)	Due to changes with the lab pack wastes, or receiving facility, has the company submitted additional notification and certifications, and kept a copy on-site?		

G1: Pre-Transport

Rule	Requirement	Compliance Status	Remarks
7045.0270 1	Prior to shipment, are hazardous waste containers marked according to US DOT hazardous materials regulations, including: the words "HAZARDOUS WASTE Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.", the name and address of the generator, and the manifest number?	✓	
7045.0270 4	Prior to shipment, are wastes packaged according to US DOT hazardous materials regulations?	✓	

7045.0270 5	Prior to transport, have the applicable warning labels been placed on each package in accordance with US DOT regulations?	✓	

MINNESOTA POLLUTION CONTROL AGENCY
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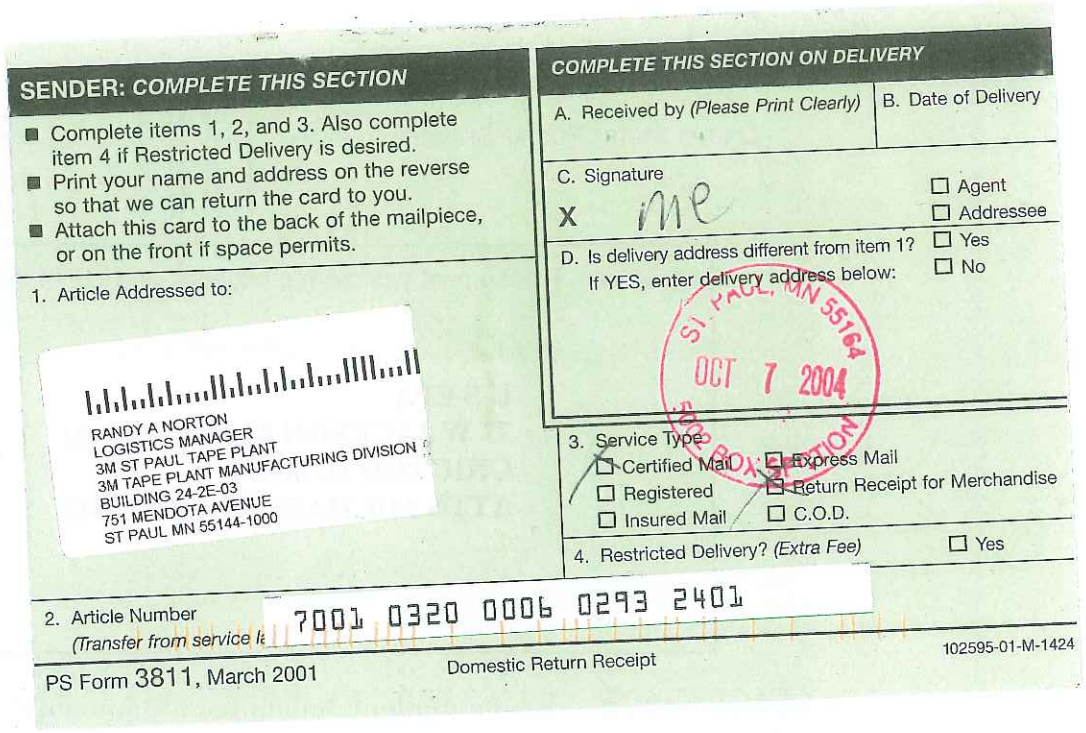
G1: Storage Requirements

Rule	Requirement	Compliance Status	Remarks
7045.0292 1, A	Has the generator stored hazardous waste for more than 90 days beyond the waste accumulation start date?	✓	
7045.0292 1, C	Are hazardous waste containers and tanks labeled with the waste accumulation start date and is it visible for inspection? OR is the accumulation start date recorded in a clear and legible log for non-shipping containers or tanks?	X	Yes, although some containers not labeled for the most part
7045.0292 1, F	Are hazardous waste containers and tanks properly labeled with the words "Hazardous Waste" and a description that clearly identifies their contents to employees and emergency personnel?	X	same remarks ↑
7045.0292 1, D	Are hazardous waste storage areas (outdoors) protected from unauthorized access and inadvertent damage from vehicles and equipment?	N/A	
7045.0292 1, E	Are hazardous waste containers that hold free liquid placed on an impermeable containment surface? If outdoors, is the surface curbed?	✓	
7045.0626 2, A	Are hazardous waste storage containers in good condition and leakproof?	✓	
7045.0626 2, B	Are there suitable leakproof covers for the hazardous waste containers?	X	~10 containers were partially or completely open
7045.0626 4	Are hazardous waste storage containers closed? Are waste containers which can be degraded when exposed to moisture or sunlight covered by an overhead roof or other suitable covering that does not hide the labels?	X	same remarks ↑
7045.0626 3	Are hazardous waste storage containers compatible with the waste stored in them?	✓	
7045.0626 6	Are incompatible wastes adequately separated?	✓	
7045.0685 2, A	Are spent lead-acid batteries that are stored indoors on an impermeable curbed surface AND are provisions made to recontainerize leaking batteries, AND are there regular inspections to assure the integrity of the batteries?		

G1: Storage Requirements

Rule	Requirement	Compliance Status	Remarks
7045.0685 2, B,1	Are spend lead-acid batteries that are stored indoors on an impermeable curbed surface AND are provisions made to recontainerize leaking batteries, AND are there regular inspections to assure the integrity of the batteries AND is the containment area covered to prevent precipitation run on?	N/A	
7060.0600 2	Has the company discharged waste or pollutants to the unsaturated zone, through spills, dumping, sewering or other means?	No	
7045.0855 2, C	If used oil is stored, is it stored in containers or tanks that are in good condition, stored on impermeable surfaces, kept closed, and labeled "Used Oil" (including tanks, containers and piping)?	✓	
7045.0292 8, B,2	Are satellite accumulation containers properly labeled with "Hazardous Waste" and a clear description of their contents?	✓	
7045.0292 8, C,2	For satellite accumulation containers, if located away from the point of generation, are they inspected weekly, and are written records kept?		
7045.0292 8, D,1	For satellite accumulation containers, is fill date marked on the containers?	✓	
7045.0292 8, D,2	For satellite accumulation containers, are they moved within 3 days of fill date to storage area?	✓	



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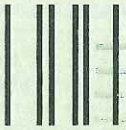

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